

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1266 be amended to read as follows:

- 1 Page 5, between lines 23 and 24, begin a new paragraph and insert:
2 "SECTION 5. IC 3-11.7-6-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) As required by
4 42 U.S.C. 15482, a county election board shall establish a free access
5 system such as a toll-free telephone number or an Internet web site that
6 enables a provisional voter to determine:
7 (1) whether the individual's provisional ballot was counted; and
8 (2) if the provisional ballot was not counted, the reason the
9 provisional ballot was not counted.
10 (b) As required by 42 U.S.C. 15482, the county election board shall
11 establish and maintain reasonable procedures to protect the security,
12 confidentiality, and integrity of personal information collected, stored,
13 or otherwise used on the free access system established by the board
14 under subsection (a).
15 (c) As required by 42 U.S.C. 15482, the county election board shall
16 restrict access to the information available under subsection (a) about
17 a provisional voter's ballot to the individual who cast the ballot.
18 (d) The county election board shall prescribe written instructions to
19 inform a provisional voter how the provisional voter can determine
20 whether the provisional voter's ballot has been counted.
21 **(e) Notwithstanding subsections (b) and (c), the county election**
22 **board shall provide to the following, upon request, a list of the**
23 **name and address of all voters who have cast a provisional ballot**
24 **in an election held in the county:**

1 **(1) A candidate whose name was on the ballot in the county at**
 2 **the election.**

3 **(2) The county chairman of a political party of the county in**
 4 **which the election was held.**

5 **The county election board shall provide a list requested under this**
 6 **subsection not later than seventy-two (72) hours after the time the**
 7 **list is requested."**

8 Page 6, after line 13, begin a new paragraph and insert:

9 **"SECTION 7. IC 3-11.7-6-5 IS ADDED TO THE INDIANA CODE**
 10 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 11 **1, 2009]: Sec. 5. (a) Not later than thirty (30) days after an election,**
 12 **the circuit court clerk shall compile a report that includes the**
 13 **following information:**

14 **(1) The number of provisional ballots cast at the election in**
 15 **the county.**

16 **(2) The following information relating to the provisional**
 17 **ballots cast:**

18 **(A) A list of the reasons that provisional ballots were cast.**

19 **(B) For each reason listed, the number of provisional**
 20 **ballots cast for that reason.**

21 **(3) The number of provisional ballots counted for that**
 22 **election.**

23 **(4) The following information relating to the provisional**
 24 **ballots that were not counted:**

25 **(A) A list of reasons that provisional ballots were not**
 26 **counted.**

27 **(B) For each reason listed, the number of provisional**
 28 **ballots not counted for that reason.**

29 **(b) The circuit court clerk shall:**

30 **(1) make the report available for public inspection and**
 31 **copying under IC 5-14-3; and**

32 **(2) send a copy of the report to the secretary of state.**

33 **(c) The secretary of state shall compile the reports sent by the**
 34 **circuit court clerks under subsection (b). Not later than December**
 35 **31 of each year, the secretary of state shall issue a statewide**
 36 **compilation of all the reports sent to the secretary of state under**
 37 **subsection (b). The statewide compilation must include the**
 38 **following information:**

39 **(1) All the information contained in the county reports, by**
 40 **county.**

41 **(2) Statewide totals for each item of information required to**
 42 **be contained in the county reports under subsection (a).**

43 **(d) The secretary of state shall make the statewide compilation**
 44 **available for public inspection and copying under IC 5-14-3.**

45 **(e) The secretary of state shall develop uniform descriptions of**
 46 **the following information required to be compiled under**
 47 **subsection (a):**

- 1 **(1) The reasons that a provisional ballot is cast.**
- 2 **(2) The reasons that a provisional ballot is not counted."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1266 as printed February 13, 2009.)

Representative DeLaney